

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

JUL 13 2012

ANDRE MASON, :
Petitioner, : No. 3:12-CV-1189
v. :
JOHN KERESTES, : (Judge Kosik)
Respondent, :

PER M. E. P.
DEPUTY CLERK

ORDER

AND NOW, THIS 13 DAY OF JULY, 2012, IT APPEARING TO THE
COURT THAT:

(1) Petitioner, Andre Mason, a state prisoner currently housed at the State Correctional Institution at Mahanoy, filed this Habeas Corpus Petition pursuant to 28 U.S.C. §2254 on June 21, 2012, challenging his state conviction in the Court of Common Pleas of Montgomery County. (Doc. 1);

(2) The case was assigned to Magistrate Judge J. Andrew Smyser;

(3) On June 25, 2012, the Magistrate Judge issued a Report and Recommendation recommending that the Petition be transferred to the United States District Court for the Eastern District of Pennsylvania. (Doc. 3);

(4) Petitioner was convicted in the Court of Common Pleas of Montgomery County, which is located in the territorial jurisdiction of the United States District Court for the Eastern District of Pennsylvania;

(5) No objections have been filed to the Report and Recommendation.

AND FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned

consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

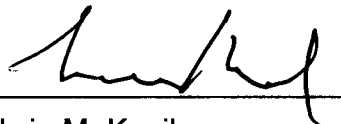
(7) We have considered the Magistrate Judge's Report and we concur with his recommendation;

(8) The Petitioner was charged, convicted, and sentenced in the Court of Common Pleas of Montgomery County, which is located in the Eastern District of Pennsylvania. In the interest of justice, and in accordance with 28 U.S.C. §2241(d), we find it is appropriate to transfer this Petition to the Eastern District of Pennsylvania.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The June 25, 2012 Report and Recommendation of Magistrate Judge J. Andrew Smyser (Doc. 3) is **ADOPTED**; and

(2) The Clerk of Court is directed to **TRANSFER** this case to the United States District Court for the Eastern District of Pennsylvania, and to **FORWARD** a copy of this Order to the Magistrate Judge.

A handwritten signature in black ink, appearing to read 'Edwin M. Kosik', written over a horizontal line.

Edwin M. Kosik
United States District Judge